

AMENDED IN SENATE AUGUST 22, 2006

AMENDED IN SENATE JUNE 14, 2006

AMENDED IN ASSEMBLY APRIL 20, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2189

Introduced by Assembly Member Blakeslee

February 22, 2006

An act to add Section 399.12.5 to the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2189, as amended, Blakeslee. Energy: renewable energy resources.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. The Public Utilities Act imposes various duties and responsibilities on the commission with respect to the purchase of electricity and requires the commission to review and adopt a procurement plan and a renewable energy procurement plan for each electrical corporation pursuant to the California Renewables Portfolio Standard Program. The program requires that a retail seller of electricity, including electrical corporations, community choice aggregators, and electric service providers, but not including local publicly owned electric utilities, purchase a specified minimum percentage of electricity generated by eligible renewable energy resources, as defined, in any given year as a specified percentage of total kilowatthours sold to retail end-use

customers each calendar year (renewables portfolio standard). The renewables portfolio standard requires each electrical corporation to increase its total procurement of eligible renewable energy resources by at least an additional 1% of retail sales per year over its baseline amount so that 20% of its retail sales are procured from eligible renewable energy resources no later than December 31, 2017. Pursuant to the existing definition of an “eligible renewable energy resource,” the electricity generated by a small hydroelectric generation facility of 30 megawatts or less procured or owned by an electrical corporation as of January 1, 2003, is eligible only for purposes of establishing the baseline of renewable energy resources procured by the electrical corporation and not for purposes of meeting the renewables portfolio standard.

This bill would provide that a small hydroelectric generation facility that is an eligible renewable energy resource retains eligibility if efficiency improvements at the facility undertaken after January 1, 2003, cause the generating capacity of the facility to exceed 30 megawatts, and the facility does not require efficiency improvements do not result in a new or increased appropriation or diversion of water from a watercourse. ~~The bill would provide that an existing conduit hydroelectric facility, as defined by a specified federal law, of 30 megawatts or less is eligible for purposes of establishing a retail seller’s baseline quantity of eligible renewable energy resources and that a new conduit hydroelectric facility of 30 megawatts or less is an “eligible renewable energy resource” if it does not require a new or increased appropriation or diversion of water from a watercourse.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 399.12.5 is added to the Public Utilities
- 2 Code, immediately following Section 399.12, to read:
- 3 399.12.5. (a) ~~Notwithstanding~~ Section 399.12, a small
- 4 hydroelectric generation facility that satisfies the criteria for an
- 5 eligible renewable energy resource pursuant to Section 399.12
- 6 shall not lose its eligibility if efficiency improvements
- 7 undertaken after January 1, 2003, cause the generating capacity
- 8 of the facility to exceed 30 megawatts, and the facility does not
- 9 require efficiency improvements do not result in a new or

1 increased appropriation or diversion of water from a watercourse
2 to increase its generating capacity. The entire generating capacity
3 of the facility shall be eligible.

4 ~~(b) Notwithstanding Section 399.12, an existing conduit~~
5 ~~hydroelectric facility as defined by Section 823a of Title 16 of~~
6 ~~the United States Code, of 30 megawatts or less, shall be eligible~~
7 ~~for the purposes of establishing a retail seller's baseline quantity~~
8 ~~of eligible renewable energy resources.~~

9 ~~(c) Notwithstanding Section 399.12, a new conduit~~
10 ~~hydroelectric facility as defined by Section 823a of Title 16 of~~
11 ~~the United States Code, of 30 megawatts or less, shall be an~~
12 ~~eligible renewable energy resource if it does not require a new or~~
13 ~~increased appropriation or diversion of water from a watercourse.~~